

**Amendment No. 8 to SB0899**

**Clabough  
Signature of Sponsor**

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Clerk _____
Comm. Amdt. _____
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**AMEND Senate Bill No. 899\***

**House Bill No. 832**

By deleting Section 70 of the bill in its entirety and replacing it with the following:

**SECTION 70.**

(a) The commissioner shall refund the portion of the local tax imposed by this chapter that is attributable to the amendment of the single article provision of the Local Option Revenue Act by this Act for any taxpayers that pay business tax under Title 67, Chapter 4, Part 7; franchise and excise tax under Title 67, Chapter 4, Parts 20 and 21; or sales and use tax under Title 67, Chapter 6.

(b) The refund provided for by this section shall be limited to the difference in tax paid by the person entitled to such refund and the tax that would have been paid on the first thirty-two hundred dollars (\$3,200) of the sale price of a single article as defined in Section 67-6-702(d) on tangible personal property other than motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes prior to the effective date of Section 64 of this act. The refund shall only be allowed on tangible personal property purchased by the taxpayer for use in the business for which the taxpayer is registered under subsection (a).

(c) A person entitled to a refund pursuant to this section shall make a single yearly claim for refund to the commissioner, covering a period of twelve (12) consecutive calendar months, the period to be specified by the commissioner. The commissioner is authorized to make refunds pursuant to this section, provided a claim is filed with the commissioner, under oath and supported by proper proof, within six (6) months after the end of the twelve (12)

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month period covered by the claim. The provisions of § 67-1-1802 do not apply to refunds made pursuant to this section.

(d) In lieu of filing a claim for refund a dealer registered for sales and use tax may take a credit on its sales and use tax return for the tax that would be refundable under subsection (b) of this section. Any dealer that takes this credit on its sales and use tax return must file on an annual basis an information report with the commissioner. This information report shall be in a format approved by the commissioner and shall contain sufficient information for the commissioner's delegates to verify the validity of a credit taken under this section. This information report shall include:

- (1) Information showing that the item qualifies as a single article under § 67-6-702;
- (2) The amount of the Tennessee sales tax remitted on the single article;
- (3) The local jurisdiction to which the tax was paid;
- (4) If applicable, information regarding the vendor to whom the tax was paid; and
- (5) Such other information as necessary to determine the validity of the credit taken.

This information report shall be filed within sixty (60) days of the close of each calendar year in which a credit was taken on any sales and use tax return.